

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8, and 10-13 are currently pending. Claim 9 is hereby canceled. Claims 1 and 13 are independent. Claims 1-4, and 13 and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. OBJECTIONS TO THE SPECIFICATION

The title of the application has been amended herein to overcome the objection in the Office Action.

### III. REJECTIONS UNDER 35 U.S.C. §112

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 1-4, and 13 have been amended to overcome the rejections cited in the Office Action. The amendments clarify the elements recited in the claims as required.

Applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. §112.

#### IV. REJECTIONS UNDER 35 U.S.C. §102

Claims 1-13 were rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 4,286,281 to Suzuki.

Independent claim 1 recites, *inter alia*:

“wherein, when a change in format is detected during recording the first video data or the data which is supplied to time-sequentially correspond to the said first video data, a new directory is formed and recording of the data in the changed format is recorded in a file the newly formed directory, and

...  
wherein mixture of different formats among the directories is permitted but the mixture of the different formats in the files stored in the new directory is not permitted.

Claim 1 has been amended to add the above-recited limitations. According to one aspect of the invention, when the change in format is detected in at least one of the first video data which is continuously supplied and the data which is supplied so as to time-sequentially correspond to the first video data, each of the first video data and the data which is supplied to time-sequentially correspond to the first video data is divided at the position corresponding to the change in format and recorded onto a recording medium. Therefore, for example, even if the format of the first video data changes to a different format during the recording, the first video data before the format change and the first video data after the format change can be mixed on the recording medium together with the data which is supplied so as to time-sequentially correspond to the first video data. Publ. App. par. [0011].

Moreover, for example, when a change in format is detected in the bundle of data constructing a clip in a time interval after the start of the photographing until the stop thereof, the clip is divided in the position corresponding to the change detecting position and the portion after the dividing position is referred to as a new clip. A new directory corresponding to the new clip is automatically formed for the directory and a data constructing the new clip is stored into the formed directory. Publ. App. par. [0095].

Finally, mixing of the formats among the directories is permitted. However, the mixing of formats in the file stored in the directory is not permitted. Publ. App. Abstract and par. [0083].

The above-recited features further distinguish the present application from the Suzuki reference.

Claim 1 is believed patentable over Suzuki because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claim 13 is also believed to be patentable.

## **V. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

Claims 1-8, and 10-13 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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